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# A BILL FOR AN ACT

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1                                   **PART I. GENERAL PROVISIONS**

2           SECTION 1. The purpose of this Act is to appropriate funds  
3 for the biennial budget of the office of Hawaiian affairs and  
4 this Act shall be known and may be cited as the "Office of  
5 Hawaiian Affairs Appropriations Act of 2007."

6           SECTION 2. Unless otherwise clear from the context, as  
7 used in this Act:

8           "Program ID" means the unique identifier of the specific  
9 program, and consists of the abbreviation for the office of  
10 Hawaiian affairs followed by a designated number for the  
11 program.

12           "Means of financing", or "MOF", means the source from which  
13 funds are appropriated or authorized, as the case may be, to be  
14 expended for the programs and projects specified in this Act.

15 Letter symbols following appropriations have the following  
16 meanings:

17           A: General Funds

18           C: General Obligation Bond Funds



1 T: Trust Funds

2 "Position ceiling" means the maximum number of permanent  
3 positions authorized for a particular program during a specified  
4 period or periods, as noted by an asterisk.

5 SECTION 3. The following sums, or so much thereof as may  
6 be necessary to accomplish the purposes and programs designated  
7 herein, are appropriated or authorized, as the case may be, from  
8 the sources of funding specified to the office of Hawaiian  
9 affairs for the fiscal biennium beginning July 1, 2007, and  
10 ending June 30, 2009. The total general fund expenditures and  
11 the number of permanent positions established in each fiscal  
12 year of the biennium shall not exceed the sums and the position  
13 ceiling indicated for each year, except as provided elsewhere in  
14 this Act.

15 P R O G R A M A P P R O P R I A T I O N S

				18 <u>APPROPRIATIONS</u>			
21 ITEM	22 PROG.	22 EXPENDING	21 FISCAL	21 M	21 FISCAL	21 M	
22 NO.	22 ID	22 PROGRAM	22 YEAR	22 O	22 YEAR	22 O	
23	23	23 AGENCY	23 2007-08	23 F	23 2008-09	23 F	
24 Hawaiian Affairs							
27 1.	<u>OHA 150</u>	<u>OFFICE OF THE TRUSTEES</u>					
28	<u>OPERATING</u>	<u>OHA</u>	0.65	*	0.60	*	
29			31,149	A	31,149	A	
30			4.35	*	4.40	*	



1		<u>OHA</u>	272,193 T	284,608 T
2				
3	2. <u>OHA 160</u>	<u>ADMINISTRATION</u>		
4			7.60 *	7.22 *
5	<u>OPERATING</u>	<u>OHA</u>	936,263 A	936,263 A
6			30.40 *	30.78 *
7		<u>OHA</u>	2,837,087 T	2,952,722 T
8				
9	<u>INVESTMENT CAPITAL</u>	<u>OHA</u>	1,525,000 C	26,495,000 C
10			1,525,000 T	26,495,000 T
11				
12	3. <u>OHA 175</u>	<u>BENEFICIARY ADVOCACY</u>		
13			3.23 *	3.23 *
14	<u>OPERATING</u>	<u>OHA</u>	2,085,696 A	2,119,663 A
15			15.77 *	15.77 *
16		<u>OHA</u>	3,098,206 T	3,190,167 T
17				

18 SECTION 4. Provided that the general fund appropriations  
 19 in section 3 of this Act shall be expended by the office of  
 20 Hawaiian affairs.

21 SECTION 5. Provided that of the funds appropriated for  
 22 beneficiary advocacy (OHA 175), the sum of \$415,000 in general  
 23 funds and \$415,000 in trust funds for fiscal year 2007-2008, and  
 24 the sum of \$415,000 in general funds and \$415,000 in trust funds  
 25 for fiscal year 2008-2009 shall provide for social services to  
 26 office of Hawaiian affairs beneficiaries to include information  
 27 and referral services, case management and counseling,  
 28 establishment of individual development accounts, financial  
 29 literacy, and financial assistance. Referral services include  
 30 those relating to education assistance, employment and income  
 31 security, individual and family care, health needs, housing,



1 legal services, genealogy research, business assistance, and  
2 general information; provided further that notwithstanding  
3 section 10-17(e), Hawaii Revised Statutes, any funds expended  
4 for the purposes of this section shall be in accordance with  
5 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

6 SECTION 6. Provided that of the funds appropriated for  
7 beneficiary advocacy (OHA 175), the sum of \$490,433 in general  
8 funds and \$490,433 in trust funds for fiscal year 2007-2008 and  
9 the sum of \$524,400 in general funds and \$524,400 in trust funds  
10 for fiscal year 2008-2009 shall provide for educational  
11 enrichment programs for native Hawaiian children in grades K  
12 through twelve throughout the State. Program activities are to  
13 be designed to optimize learning for Hawaiian students and are  
14 intended to develop a stronger interest in learning, connect  
15 learning and education to one's Hawaiian identity, and explore  
16 possible educational, career and academic goals the students may  
17 not have considered; provided further that notwithstanding  
18 section 10-17(e), Hawaii Revised Statutes, any funds expended  
19 for the purposes of this section shall be in accordance with  
20 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

21 SECTION 7. Provided that of the funds appropriated for  
22 beneficiary advocacy (OHA 175), the sum of \$592,302 in general



1 funds and \$592,302 in trust funds for fiscal year 2007-2008 and  
2 the sum of \$592,302 in general funds and \$592,302 in trust funds  
3 for fiscal year 2008-2009 shall provide legal services and legal  
4 representation to office of Hawaiian affairs beneficiaries for:

- 5 (1) The assertion and defense of quiet title actions; and  
6 (2) Assistance with ahupua`a and kuleana tenant rights,  
7 including rights of access and rights to water, land  
8 title assistance, including review of title and  
9 genealogy, preservation of traditional and customary  
10 practices, protection of culturally significant  
11 places, and preservation of native Hawaiian land trust  
12 entitlements;

13 provided further that notwithstanding section 10-17(e), Hawaii  
14 Revised Statutes, any funds expended for the purposes of this  
15 section shall be in accordance with chapter 103D or 103F, Hawaii  
16 Revised Statutes, as appropriate.

17 SECTION 8. Provided that whenever the need arises, the  
18 administrator of the office of Hawaiian affairs is authorized to  
19 transfer sufficient funds and positions between programs for  
20 operating purposes; provided further that these transfers shall  
21 not be inconsistent with legislative intent; and provided  
22 further that a report of these fund transfers shall be made to



1 the legislature no later than thirty days prior to the convening  
2 of the 2008 and 2009 regular sessions.

3 **PART II. CAPITAL IMPROVEMENT PROJECT**

4 SECTION 9. The sum of \$56,040,000 appropriated or  
5 authorized in part I of this Act for capital improvement  
6 projects shall be expended by the office of Hawaiian affairs for  
7 the project listed below. The amount after each cost element  
8 and the total funding for each project listed in this part is in  
9 thousands of dollars.

10 OHA 160 ADMINISTRATION

11 1. Kakaako culture center and office building.  
12 Design, construction, and equipment for a  
13 new culture center and office building at  
14 Kakaako, Oahu.

	<u>2007-2008</u>	<u>2008-2009</u>
16 Design	\$3,050	
17 Construction		\$49,490
18 Equipment	_____	<u>\$ 3,500</u>
19 Total	\$3,050	\$52,990
20 Total Funding OHA	\$1,525 C	\$26,495 C
21	\$1,525 T	\$26,495 T

22 **PART III. ISSUANCE OF BONDS**



1 SECTION 10. General obligation bonds may be issued, as  
2 provided by law, to yield the amount that may be necessary to  
3 finance projects authorized in part I and listed in part II of  
4 this Act; provided that the sum total of the general obligation  
5 bonds so issued shall not exceed \$28,020,000.

6 **PART IV. SPECIAL PROVISIONS**

7 SECTION 11. Any law or any provision of this Act to the  
8 contrary notwithstanding, the appropriations made for capital  
9 improvement projects authorized in part I and listed in part II  
10 of this Act shall not lapse at the end of the fiscal year for  
11 which the appropriations are made; provided that all  
12 appropriations made for fiscal year 2007-2008 and fiscal year  
13 2008-2009 which are unencumbered as of June 30, 2010, shall  
14 lapse as of that date.

15 SECTION 12. The office of Hawaiian affairs is authorized  
16 to delegate to other state or county agencies the planning,  
17 acquisition of land, design, construction, and equipment of any  
18 capital improvement project when it is determined by the office  
19 of Hawaiian affairs to be advantageous to do so.

20 SECTION 13. The administrator of the office of Hawaiian  
21 affairs shall determine when and the manner in which the  
22 authorized capital improvement projects shall be initiated. The



1 administrator shall notify the governor from time to time of the  
2 specific amounts required for the projects, and the governor  
3 shall provide for those amounts through the issuance of bonds  
4 authorized in part III of this Act.

5 SECTION 14. Any law or any provision to the contrary  
6 notwithstanding, the administrator of the office of Hawaiian  
7 affairs may supplement funds for any cost element for a capital  
8 improvement project authorized under this Act by transferring  
9 such sums as may be needed from the funds appropriated for other  
10 cost elements of the same project by this Act.

11 **PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

12 SECTION 15. If any portion of this Act or its application  
13 to any person or circumstances is held to be invalid for any  
14 reason, the remainder of the Act and any provision thereof shall  
15 not be affected. If any portion of a specific appropriation is  
16 held to be invalid for any reason, the remaining portion shall  
17 be independent of the invalid portion and shall be expended to  
18 fulfill the objective and intent of the appropriation to the  
19 extent possible.

20 SECTION 16. In the event manifest clerical, typographical,  
21 or other mechanical errors are found in this Act, the board of  
22 trustees of the office of Hawaiian affairs is hereby authorized





1 to correct such errors. All changes made pursuant to this  
2 section shall be reported to the legislature at its next  
3 session.

4 SECTION 17. This Act shall take effect on July 1, 2007.



**Report Title:**

OHA Budget

**Description:**

Appropriates funds for the operating and capital improvement budget of the Office of Hawaiian Affairs for fiscal years 2007-2008 and 2008-2009. Earmarks funds for certain social, educational, and legal services and programs and for OHA's proposed office building and Hawaiian Cultural Center. (SD1)

